

REAL ESTATE COMMISSION
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii
www.state.hi.us/hirec

MINUTES OF MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Section 92-7(b), Hawaii Revised Statutes.

Date: Friday, February 23, 2001

Time: 9:00 a.m.

Place: Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Present: John Ohama, Chair
Michael Ching, Vice Chair
Charles Aki, Member
Casey Choi, Member
Alfredo Evangelista, Member
Mitchell Imanaka, Member
Iris Okawa, Member

Calvin Kimura, Supervising Executive Officer
Alan Taniguchi, Executive Officer
Lorene Arata, Real Estate Specialist
Cynthia Yee, Senior Condominium Specialist
Gina Watumull, Condominium Specialist
Cheryl Leong, Condominium Specialist
Shari Wong, Deputy Attorney General
Irene Kotaka, Secretary

Nicki Ann Thompson, Hawaii Association of REALTORS
Scott Bradley, Hawaii Association of REALTORS
Maria Wanshia Sousie
Lawrence Sousie
Regina Pruet
Arturo Montoya
Hayden Aluli, Esq.
Mark T. Kumai
Chaves E. Armijo

Excused: Patricia Choi, Member
Peter Rice, Member

Call to Order: The Chair called the meeting to order at 9:08 a.m., at which time quorum was established.

Chair's Report: No report was presented.

Executive
Officer's
Report:

Announcements, Introductions, Correspondence and Additional Distribution

Cheryl Leong, Condominium Specialist, was introduced to those present. Ms. Leong was formerly with RICO.

Minutes of Previous Meetings

Upon a motion by Commissioner Ching, seconded by Commissioner Evangelista, it was voted on and unanimously carried to accept the minutes of the January 26, 2001 Real Estate Commission meeting.

Committee
Reports:

Laws and Rules Review Committee

Upon a motion by Commissioner Evangelista, seconded by Commissioner Okawa, it was voted on and unanimously carried to accept the report of the February 14, 2001 Laws and Rules Review Committee meeting as follows:

1. Minutes of Previous Meetings – **Accept** the minutes of the January 12, 2001 meeting.
2. Next Meeting: Wednesday, March 14, 2001
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Education Review Committee

Upon a motion by Commissioner Aki, seconded by Commissioner Imanaka, it was voted on and unanimously carried to accept the report of the February 14, 2001 Education Review Committee meeting, as follows:

1. Minutes of January 12, 2001 – **Accept.**
2. Continuing Education Administration, Curriculum, Courses, Providers, and Instructors –
 - a) Applications
 - 1) Provider – Exchange Educators, LLC, a division of Professional Exchange Accommodators, LLC (Administrator: Connie McConico) – **Recommend approval** of Exchange Educators, LLC, a division of Professional Exchange Accommodators, LLC, as a continuing education provider subject to the submission of proof of surety bond coverage and a Certificate of Good Standing issued by the Business Registration Division.
 - 2) Provider – Hawaii CCIM Chapter (Administrator: Kay Lorraine) – **Recommend approval** of Hawaii CCIM Chapter as a continuing education provider subject to the submission of proof of surety bond coverage and a Certificate of Good Standing issued by the Business Registration Division.
 - 3) Course – “Understanding Vacation Ownership/Time Share,” Author/Owner: Abe Lee (Provider: Abe Lee Seminars), Course Category: Property Ownership and Development, Course Clock Hours: 3 hours – **Recommend approval** of “Understanding

- Vacation Ownership/Time Share” as a 3 clock hour continuing education course under the course category of Property Ownership and Development. Also, as a cautionary note, recommend that the Author make sure all information is accurate, with particular attention to information regarding exit programs, by having the course reviewed by a licensed attorney.
- b) 2001-2002 Continuing Education Providers and Courses Ratification List – **Recommend approval** of the following:
Registration/Certification
Effective Date
Nationally Certified Courses
- | | |
|--|----------|
| “Creative Residential Finance” | 01/19/01 |
| (Owner/Author: Hawaii Association of REALTORS) | |
| “RS 204 Creating Wealth Through Residential Real Estate Investments” | 02/14/01 |
| (Owner/Author: Hawaii Association of REALTORS) | |
3. Prelicensing Education Administration, Curriculum, Schools, Instructors, and Equivalency
- a) Applications – 2001 – 2002 Prelicensing Education Schools and Instructors Ratification List – **Recommend approval** of the following:
Registration/Certification
Effective Date
Instructor
- | | |
|---------------------------------|----------|
| M. Russell Goode, Jr. | 01/01/01 |
| (Salesperson/Broker Curriculum) | |
- b) Prelicensing Education Equivalency – Education Equivalency for California Salespersons – If a California salesperson is current and active and was licensed after January 1, 1986, they qualify for the Education Equivalency. Research indicates that all salesperson applicants must complete a 45-hour prelicensing course to sit for the exam in California. Footnote #1 on the bottom of the Out-of-State Equivalency List needs to be amended.
4. Program of Work, FY01
- a) Interactive Participation with Organizations – NAR Midyear Meeting - **Recommend approval** for one staff member or one Commissioner to participate at the National Association of REALTORS Midyear Legislative Meetings & Trade Expo to be held on May 15 – 19, 2001, in Washington, DC, subject to REEF budget and DCCA approval. The Chair of the Real Estate Commission and the Supervising Executive Officer shall determine the attendee.
- b) Real Estate Seminars – Debbie Long Ethics Course: Seminar, IDW, and/or CE Course – **Recommend** Staff to work with the Hawaii Association of REALTORS to come up with a proposal for Debbie Long to present an ethics seminar in May 2001 for IDW and/or continuing education credit.
5. Next Meeting: Wednesday, March 14, 2001
10:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Condominium Review Committee

Upon a motion by Commissioner Imanaka, seconded by Commissioner Aki, it was voted on and unanimously carried to accept the report of the February 14, 2001 Condominium Review Committee as follows:

1. Minutes of January 12, 2001 – **Accept** minutes.
2. Condominium Governance and Management
 - a. AOA Registrations – January 2001 – **Recommend approval** to ratify effective dates for AOA registrations for 1999-2001 registrations through January 31, 2001.
 - b. Mediation & Arbitration – Bill Pertaining to Mediation of Chapter 514A Disputes – Richard Port Yacht Harbor Towers – **Recommend to not support** the “Proposed Revision to HB 1231” submitted to the Condominium Review Committee on 2/14/01 by Richard Port due to numerous concerns raised by Elizabeth Kent, Director of The Judiciary’s Center for Alternative Dispute Resolution and Tracey Wiltgen, Director of The Mediation Center of the Pacific, and because the Commission feels that the appropriate venue for mandating mediation is the governing documents of a condominium association, rather than through amendments to H.R.S. Chapter 514A.
 - c. Condominium Seminars – CAI Hawaii Request for Subsidy – **Recommend approval** as CEF subsidized seminars the following seminars, subject to the availability of the CEF funds, budget allotment for FY01 and FY02; and further subject to the other terms and conditions of the current contract:
 - 1) “Ask the Experts” – March 15, 2001
 - 2) “Advanced ABC’s, Assembling the Professional Team” – slated for April 2001 (one of 7 modules)
 - 3) “ABC’s , A Basic Course” – May 5, 2001
 - 4) “Insurance Claims & Disputes” – February 17, 2001
 - 5) “Rules, Development / Design Review” – April 19, 2001
 - 6) “Contracts” – May 26, 2001
 - 7) “Alternative Dispute Resolution” – June 21, 2001
 - 8) “Legislative Update” – July 19, 2001
 - 9) “Covenant Enforcement” – August 16, 2001
 - 10) “Termites/Ground Maintenance” – September 15, 2001
 - 11) “Fair Housing” – October 18, 2001
 - d. Introduction of Bill Amending Chapter 514A-82(b)(6) – Richard Port Yacht Harbor Towers – **Recommend to not support** the amendment to H.R.S. section 514A-82(b)(6) submitted to the Condominium Review Committee on 2/14/01 by Richard Port because the Commission feels that the appropriate venue for expanding condominium association access rights beyond those currently contained in H.R.S. section 514A-82(b)(6) is the governing documents of a condominium association, rather than through amendments to H.R.S. section 514A-82(b)(6).
3. Developer’s Public Reports
 - a. January 2001 – **Recommend approval** to ratify issuance of effective dates of the developer’s public reports and extensions issued for the month of January 2001.
 - b. Metes and Bounds – Hiroshi Sakai Memorandum 11/30/00 – **Recommend approval** to send a letter to Mr. Sakai explaining the

Commission's policy for requiring metes and bounds descriptions of land areas of the project that are designated limited common element areas.

4. Next Meeting: **Wednesday, March 14, 2001, 11:00 a.m.**
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street
Honolulu, Hawaii

SWAT

The public hearing for the proposed SWAT rule amendments to HAR Chapter 99 is scheduled for March 29, 2001, at 9 a.m. The notice of the public hearing was printed in the February 19, 2001 issue of MidWeek. The Commission hopes to receive support from the local Boards and the Hawaii Association of REALTORS.

Senate Bill No. 1061, the Commission's SWAT bill, may possibly be heard on Tuesday, February 27, 2001.

Legislative Report

Legislative Report No. 3 was distributed to the Commissioners for their information.

The Commission, Division, Department and the Hawaii Association of REALTORS have reached an agreement on the definition of "material facts" for Chapter 508D, HRS, in Senate Bill No. 169 and House Bill No. 79, H.D.1. Senate Bill No. 169 is scheduled to be heard some time next week.

Senate Bill No. 769 most likely will not be heard. Since it is a single referral bill, if it is not heard by next Friday, it will die. The Commissioners also represent the condominium community, as some currently live or have lived in condominiums, currently own or have owned condominiums, and currently are or have been members of a condominium's board of directors.

Licensing and Registration – Ratification: Upon a motion by Commissioner Evangelista, seconded by Commissioner Aki, it was voted on and unanimously carried to ratify the attached list.

Recess: The Chair recessed the meeting at 9:17 a.m.

Reconvene: The Chair reconvened the meeting at 9:24 a.m.

Licensing – Questionable Applications: The applicants present were asked if they wished to have their applications considered in executive session. The following applicants requested executive session:

Mark T. Kumai
Chaves E. Armijo
Maria Wanshia Sousie
Regina G. Pruet

Maria Wanshia Sousie requested that her husband, Lawrence Sousie be present with her during consideration of her application in executive session.

Regina G. Pruet requested that her attorney, Hayden Aluli, and her friend, Arturo Montoya, be present with her during consideration of her application in executive session.

Executive
Session:

Upon a motion by Commissioner Ching, seconded by Commissioner Aki, it was voted on and unanimously carried to enter into executive session, pursuant to §92-5(a)(1), HRS, "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;".

Upon a motion by Commissioner Ching, seconded by Commissioner Okawa, it was voted on and unanimously carried to move out of executive session.

Licensing –
Questionable
Applications:

Mark T. Kumai

After a review of the information presented by the applicant, Commissioner Ching moved to approve the real estate salesperson's license of Mark T. Kumai. Commissioner Okawa seconded the motion. The motion was voted on and unanimously carried.

Chaves E. Armijo

After a review of the information presented by the applicant, Commissioner Okawa moved to approve the real estate salesperson's license of Chaves E. Armijo. Commissioner Ching seconded the motion. The motion was voted on and unanimously carried.

Maria Wanshia Sousie

After a review of the information presented by the applicant, Commissioner Ching moved to approve granting Maria Wanshia Sousie a real estate salesperson's license, subject to the condition that she notify her principal broker of the outstanding debt and that she apply for discharge of her conditional real estate salesperson's license upon satisfying the debt as the debt involves real property. Commissioner Imanaka seconded the motion.

Commissioner Ching withdrew his motion. Commissioner Imanaka withdrew his second.

After a review of the information presented by the applicant, Commissioner Okawa moved to approve the real estate salesperson's license of Maria Wanshia Sousie. Commissioner Imanaka seconded the motion. Commissioners Ching, Okawa, Aki, Imanaka and Evangelista voted in favor of the motion. Commissioner C. Choi and Ohama abstained from voting. The motion was carried.

Regina G. Pruet

After a review of the information presented by the applicant, Commissioner Ching moved to approve the real estate salesperson's license of Regina G. Pruet. Commissioner Imanaka seconded the motion. The motion was voted on and unanimously carried.

Real Estate Commission
Minutes of the February 23, 2001 Meeting
Page 7

Next Meeting: Friday, March 30, 2001
9:00 a.m.
Kapuaiwa Room
HRH Princess Victoria Kamamalu Building
1010 Richards Street, Second Floor
Honolulu, Hawaii

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 10:32 a.m.

Reviewed and approved by:

/s/ Calvin Kimura
Calvin Kimura
Supervising Executive Officer

March 30, 2001
Date

[X] Approved as circulated.

[] Approved with corrections; see minutes of _____ meeting.

APPROVED APPLICATIONS FOR REAL ESTATE
 REAL ESTATE COMMISSION MEETING ON FEBRUARY 23, 2001

<u>Brokers – Corporation and Partnership</u>	<u>Effective Date</u>
Napili Realty, Inc. Eric C. Ong, PB	01/01/01
MGMT & Sales, Inc. Wayne Y. Sadoyama, PB	02/01/01
Brookfield Homes Hawaii, Inc. Elarka S. H. Yuen, PB	02/09/01
Moore & Moore Properties Dawn Moore, PB	1/29/01

<u>Brokers – Limited Liability Companies and Partnerships</u>	<u>Effective Date</u>
Hualalai Villas & Homes, LLC James J. Hustace, PB	01/03/01
Williams Realty LLC Larry Williams, PB	01/01/01
Sofos Property Management, LLC S. Steven Sofos, PB	02/01/01
Pauoa Beach Realty, LLC Robert Chancer, PB	01/16/01
Wheeles & Associates, LLC Doyle Wheeles, PB	01/06/01
Conroy Realty, LLC Linda Conroy, PB	01/09/01
Real Estate Advantage, LLC Carole N. Murobayashi, PB	02/05/01
Hilo Properties, LLC Patricia S. Salvador, PB	01/22/01

<u>Trade Name</u>	<u>Effective Date</u>
Diane Wright, Wright Realty	01/23/01
Regency Pacific Realty LLC, ERA Regency Pacific Realty	01/22/01
Joe C. Pacquing, Granventure Realty (fka Joe C. Pacquing, Joe Pacquing Realty)	01/08/01
Christian NMN Friese, Chris Friese and Associates	1/26/01

<u>Brokers - Sole Proprietor</u>	<u>Effective Date</u>
Gary T. Deardorff, Gary Deardorff Realty & Development Company	01/12/01
Mar S. Apuya	01/26/01
Robert P. Merkle	01/08/01
Douglas W. Hung, Douglas Properties	01/24/01
Mary M. Love, Mary M. Love, REALTOR	01/26/01
Philip J. Leas, Bartley Properties	02/13/01

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Mark E. Isenmann	01/18/02
Ghada Mariam Razouk	01/18/02
Mehrdad Elie	01/29/02
Steve Searby	02/01/02
Richard Joseph Welch	02/01/02

<u>Equivalency to Uniform Section of Examination Certificate</u>	<u>Expiration Date</u>
Kathryn K. Yamamoto	02/09/02
Ghada Mariam Razouk	01/18/02
Mark Edward Isenmann	01/18/02
Steve Lawrence Searby	02/01/02
Richard Joseph Welch	02/01/02
Michael Robert Weiss	02/07/02
Andrew Hodges Grant	02/07/02
Adelaide E. Hamilton-Napier	02/07/02
Nathalie Coryse Mullinix	02/08/02
Mehrdad Elie	02/09/02
Kathryn Kazuye Yamamoto	02/09/02

<u>Educational Equivalency Certificate</u>	<u>Expiration Date</u>
Barry Paul Edelson	02/12/02
Patricia Amy Loo	02/12/02

<u>Real Estate Broker Experience Certificate</u>	<u>Expiration Date</u>
H. Alan Livingston	01/18/02
Edmund Wong	01/19/02
Lulu Tam Ho-Molina	01/19/02
Jeffrey T. Evans	01/19/02
Jacob J. Even	01/22/02
Elizabeth L. Fox	01/25/02
Jeffrey M.C. Lum	02/02/02
David Lee Samuel Catanzaro	02/08/02
Angela Y. O'Malley	02/08/02
Vincent R. Palmieri	02/08/02
Kimiko Sasaki	02/08/02
Carol T. Imaino	02/08/02
Delphine S. Funasaki	02/08/02
Michael D. Sakatani	02/09/02
Riette Jenkins	02/09/02
Gregory L. Sheehan	02/09/02
James I. Fernandez, Jr.	02/12/02
Nathalie C. Mullinix	02/13/02

<u>Real Estate Broker (upgrade)</u>	<u>Effective Date</u>
Jonathon A. Olson	01/04/01
Bruce Y. Higa	01/04/01
John Edward Ball	12/19/00
Peter V. Herndon	12/29/00
Susan Gailey	01/09/01
George L. Sanders	01/16/01
Margaret S. Goettelmann	01/22/01
James B. Foster	01/24/01
Robert P. Merkle	01/08/01

<u>Restoration – Real Estate Broker</u>	<u>Effective Date</u>
Brenda J. Moore	01/30/01

Real Estate Commission
Minutes of the February 23, 2001 Meeting
Page 10

Restoration – Real Estate Salesperson
Joseph M. Fukumoto

Effective Date
01/24/01

Condominium Hotel Operator
TY Realty, Inc.
Sylvia M. Cabral

Effective Date
01/01/01
01/24/01

Condominium Hotel Operator w/ Real Estate Broker Exemption
Abbey Vacation Rentals, LLC

Effective Date
02/08/01